

**DECLARATION UNDER 35 USC §371(c)(4) FOR
PCT APPLICATION FOR UNITED STATES PATENT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name:

I verify believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: Optical Inclinometer

described and claimed in international application number PCT/EP03/05206 filed May 17, 2003.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s), filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

Swiss Patent Application 2002 0936/02 filed June 7, 2002

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | |
|---|--|--------------------------------|------------|-------------------|-------------|
| 1 | <i>Typewritten Full Name of Sole or First Inventor:</i> | Kurt | Given Name | Middle Initial | BRNE |
| 2 | <i>Inventor's Signature:</i> | <u>Kurt</u> | | | <u>Kurt</u> |
| 3 | <i>Date of Signature:</i> | <u>12</u> | Month | <u>6</u> | Day |
| | | | | | <u>2004</u> |
| | <i>Residence:</i> | Nenzing | City | State or Province | Year |
| | | | | | Austria |
| | <i>Citizenship:</i> | Austrian | | | Country |
| | <i>Post Office Address: (Insert complete mailing address, including country)</i> | <u>Ullstrasse 19</u> | | | |
| | | <u>A-6710 Nenzing, Austria</u> | | | |

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE
(Discard this page in a sole inventor application)

1 *Typewritten Full Name
of Joint Inventor:* Kurt **GIGER**
2 *Inventor's Signature:* [Signature] **Family Name** Giger
3 *Date of Signature:* 12 **Middle Initial** G

Residence: Rüthi **Month** 6 **Day** **Year** 2804
Citizenship: Swiss **City** **State or Province** **Country** Switzerland

Post Office Address: Sportplatzstrasse 10
(Insert complete mailing address, including country) CH-9464 Rüthi, Switzerland

1 *Typewritten Full Name
of Joint Inventor:* Given Name **Middle Initial** **Family Name**

2 *Inventor's Signature:* Given Name **Middle Initial** **Family Name**

3 *Date of Signature:* Month **Day** **Year**

Residence: City **State or Province** **Country**

Citizenship: City **State or Province** **Country**
Post Office Address: Post Office Address
(Insert complete mailing address, including country) Post Office Address

1 *Typewritten Full Name
of Joint Inventor:* Given Name **Middle Initial** **Family Name**

2 *Inventor's Signature:* Given Name **Middle Initial** **Family Name**

3 *Date of Signature:* Month **Day** **Year**

Residence: City **State or Province** **Country**

Citizenship: City **State or Province** **Country**
Post Office Address: Post Office Address
(Insert complete mailing address, including country) Post Office Address

1 *Typewritten Full Name
of Joint Inventor:* Given Name **Middle Initial** **Family Name**

2 *Inventor's Signature:* Given Name **Middle Initial** **Family Name**

3 *Date of Signature:* Month **Day** **Year**

Residence: City **State or Province** **Country**

Citizenship: City **State or Province** **Country**
Post Office Address: Post Office Address
(Insert complete mailing address, including country) Post Office Address

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.

ASSIGNMENT

| | |
|--|--|
| (1-8) Insert Name(s) of Inventor(s) | (1) <u>Kurt ERNE</u> (5) _____ |
| | (2) <u>Kurt GIGER</u> (6) _____ |
| | (3) _____ (7) _____ |
| | (4) _____ (8) _____ |
| In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, each undersigned agrees to assign, and hereby does assign, transfer and set over to | |
| (9) Insert Name of Assignee | (9) <u>LEICA GEOSYSTEM AG</u> |
| (10) Insert Address of Assignee | (10) <u>Heinrich-Wild-Strasse, CH-9435 Heerbrugg, Switzerland</u> |
| (hereinafter designated as the Assignee) and Assignee's heirs, successors, assigns and legal representatives, the entire right, title and interest for the United States of America as defined in 35 U.S.C. §100, in the invention, and in all applications for patent including any and all provisional, non-provisional, divisional, continuation, international, confirmation, substitute and reissue application(s), and all Letters Patent, extensions, reissues and reexamination certificates that may be granted on the invention known as | |
| (11) Insert Identification such as Title, Case Number, or Foreign Application Number | (11) <u>Optical Inclinometer</u> |
| | (Attorney Docket No. <u>121940</u>) |
| for which the undersigned has (have) executed an application for patent in the United States of America on even date herewith or | |
| (12) Insert Date of Signing of Application | (12) on <u>4.1.2005</u> |
| (13) Alternative Identification for filed applications | (13) U.S. application Serial Number <u>10/516,730</u> filed <u>January 10, 2005</u> |

1) Each undersigned agrees to execute all papers necessary in connection with any application and any continuing, divisional or reissue applications for the invention, and any patent(s) issuing thereon, and also to execute separate assignments in connection with such applications and patents as the Assignee may deem necessary.

2) Each undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning any application or continuation or division thereof, or any patent or reissue application based thereon, for the invention, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

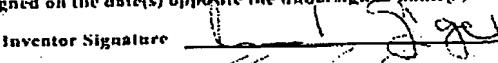
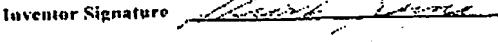
3) Each undersigned agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) Each undersigned agrees to perform all affirmative acts which may be necessary to obtain, maintain or confirm by reissue or reexamination a grant of a valid United States patent to the Assignee.

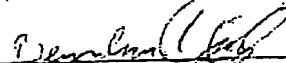
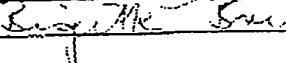
5) Each undersigned authorizes and requests the Commissioner of the U.S. Patent and Trademark Office to issue any and all Letters Patents of the United States resulting from said application(s) to the said Assignee, as Assignee of the entire interest, and covenants that he has full right to convey the entire interest herein assigned, and that he has not executed, and will not execute, any agreements in conflict herewith, and agrees that this assignment is binding on him and his heirs, successors, assigns and legal representatives.

6) Each undersigned hereby grants the firm of OLIFF & BERRIDGE, PLLC the power to insert on this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

| | |
|----------------------|--|
| Date <u>4.1.2005</u> | Inventor Signature  (SEAL) |
| Date <u>4.1.2005</u> | Inventor Signature  (SEAL) |
| Date _____ | Inventor Signature _____ (SEAL) |
| Date _____ | Inventor Signature _____ (SEAL) |
| Date _____ | Inventor Signature _____ (SEAL) |
| Date _____ | Inventor Signature _____ (SEAL) |
| Date _____ | Inventor Signature _____ (SEAL) |
| Date _____ | Inventor Signature _____ (SEAL) |

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

| | |
|----------------------|---|
| Date <u>4.1.2005</u> | Witness  (SEAL) |
| Date <u>4.1.2005</u> | Witness  (SEAL) |